IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 75 OF 2005

COMMUNIDADE OF GAUNDONGREM, CANACONA GOA. ....Appellant

Versus

STATE OF GOA THROUGH CHIEF SECRETARY AND 2 ORS., ...Respondents

Ms. P. Naik, Advocate for the appellant.

Mr. S. S. Kantak, Advocate General with Ms. L. Dharwadkar, Addl. Govt. Advocate for the respondents No. 1 and 2.

Coram:- A. P. LAVANDE, J.

Date:- 17th March, 2006

P.C.

Heard Ms. Naik, the learned Counsel for the appellant and Mr. Kantak, the learned Advocate General for the respondents. By this appeal, the appellant takes exception to the Order dated 8.11.2005 passed by the Addl. District Judge, Margao in Civil Suit No.15/2005, by which the application for injunction filed by the appellant was dismissed. It was the case of the appellant/plaintiff that the defendants had started construction of a road by widening the footway through the property of the plaintiff thereby affecting the proprietory rights of the plaintiff. According to the respondents/defendants, there was already a katcha road and the respondents were only black toping the road and, therefore, the plaintiff was not entitled to the injunction sought for.

When the matter was called out in the last week, the parties were directed to ascertain the exact position as on date. The learned Advocate General has placed on record three photographs which are taken on record. According to the learned Advocate General, the black toping of

the road is complete and nothing remains to be done since the entire work is complete. This position is not disputed by the learned Counsel for the appellant. That being the position, there is no question of interference, at this stage, with the impugned order.

In the result, therefore, I do not find any merit in the present appeal and the same is rejected.

A. P. LAVANDE, J.

ssm.